

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY BETHUNE, # 500130,

Plaintiff,

Case No. 08-14412

v.

MARY BERGHUIS, et al.,

Hon. Marianne O. Battani

Magistrate Judge R. Steven Whalen

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Henry Bethune, an inmate housed at the Earnest C. Brooks Correctional Facility, filed a complaint alleging various employees of the Michigan Department of Corrections violated his Eighth Amendment Rights. The Court subsequently referred this matter to Magistrate Judge R. Steven Whalen for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B).

In a Report and Recommendation ("R&R"), dated August 14, 2009, Magistrate Judge Whalen recommended that Defendants Mary Berghuis, Patricia Caruso, Rick Smith, Brian Evans, Jay Clegg, Michael Wilkinson, Renee VanHouten, and Judy Gracik's Motion for Summary Judgment be granted. The Magistrate Judge informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 16; 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation and **GRANTS** Defendants' request for summary judgment.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: September 9, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served upon Plaintiff and counsel of record on this date by ordinary mail and electronic filing.

s/Bernadette M. Thebolt
Deputy Clerk